



LAND USE SERVICES DEPARTMENT Planning Division

San Bernardino Office
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415

Phone: (909) 387-8311
Fax: (909) 387-3223

Hesperia Office
15900 Smoke Tree St.
Hesperia, CA 92345

Phone: (760) 995-8140
Fax: (760) 995-8167

www.sbcounty.gov/uploads/LUS/Planning/Applications/MajorVariance.pdf

MAJOR VARIANCE INFORMATION SHEET AND APPLICATION

Fees: \$2,070.00

Variances are provided for in the Development Code and State Law to allow flexibility of development standards where the strict application of a regulation may not be appropriate. According to State Law, the justification for a Variance is that you as a property owner would suffer a unique hardship if the development standard as specified in the Development Code were strictly applied. The Development Code states that provisions for Variances "are established to insure that any property, because of special circumstances such as size, shape, topography, location or surroundings, shall be accorded privileges commonly enjoyed by the other properties in the same vicinity."

All Variances are approved using the "Staff Review with Notice" procedures as set forth in the Development Code. The Development Code also provides that when necessary, the reviewing authority (Director of Land Use Services) may hold an advertised hearing to consider evidence and take testimony prior to action upon a request for a variance. Prior to approving a variance, the reviewing authority must be able to make the following findings:

1. The granting of such variance will not be materially detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy systems.
2. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply to other properties in the same district or vicinity.
3. The strict application of the land use district deprives such property of privileges enjoyed by other properties in the vicinity or in the same land use district.
4. The granting of the variance is compatible with the objectives, policies, general land uses and programs specified in the County General Plan and any applicable plan.

The Development Code establishes two different types of Variances – Major and Minor. **A Major Variance is one that is not classified by the Development Code as a Minor Variance.** A Minor Variance is one that modifies the following:

Types of Minor Variances Allowed*		Maximum Variance
1	Area requirements. Excluding parcel area requirements.	30%
2	Distance between structures. Up to 40 percent, but no closer than 6 feet.	40%
3	Fence or wall heights. Up to 30 percent, but no higher than 6 feet in the front or street side yard setback.	30%
4	Floor width requirements. Of the single-family residential design standards.	20%
5	Gross floor area requirements.	10%
6	Height requirements. Except that any height adjustment not exceeding two feet in total height shall also be considered a Minor Variance.	30%
7	Off-street parking requirements. Parking and loading space requirements, not to exceed two spaces. Parking area/lot improvements.	30%
8	Overlay District requirements. Of the standards identified in the overlay districts.	30%
9	Setback requirements. a. Front setbacks. But no closer to the nearest property line than 15 feet in the valley and desert areas and 10 feet in the mountain region. b. Side setbacks. But no closer than three feet from the nearest property line, except in a Fire Safety Overlay District in which case no closer than five feet. c. Rear setbacks. But no closer than 10 feet from the nearest property line.	40% 40% 30%
10	Sign requirements. a. Sign area limitations. b. Sign height and setback limitations. c. Sign number limitations: Not to exceed four signs.	10% 30% 100%

(*) Administrative criteria for Minor Variances for these structures shall be established by the Land Use Services Director. Those proposals that do not meet the criteria shall be submitted to the Department of Public Works, with the appropriate fee, for road safety evaluation. Architectural design and construction materials shall be compatible with the visual setting of the surrounding area. Variances to the requirements of Section 83.02.030 regarding “clear sight triangles” shall not be evaluated with a Minor Variances.

Please use this information sheet as a checklist to assemble the materials required for the submittal of your Major Variance Application and bring it with you when you submit your application. An appointment is not required to submit your application; however, appointments are available upon request. If you wish to schedule an appointment, please call (909) 387-8311 or (760) 995-8140.

CHECKLIST OF SUBMITTAL MATERIALS

Please use this checklist as you assemble the materials for the submittal of your application. County staff will use the checklist to determine whether your application is acceptable for submission. **If your submittal package does not contain all of the information listed below, your application will not be taken in and receipted for processing.** If you have any questions about the items requested or if you wish to obtain information on processing schedules, please call the Application Intake Center at (909) 387-8311 or (760) 995-8140.

Section A – Fees

1. _____ Check or money order made payable to San Bernardino County in the amount of **\$2,070.00**

Provide **one copy** of the following receipts or a letter stating such fees are not applicable:

2. _____ **Receipt** from the Environmental Health Services Division (DEHS) of payment of required review fees. *Contact DEHS at (800) 442-2283 for fee amount, applicability and payment prior to application submittal*
3. _____ **Receipt** or letter from the appropriate fire jurisdiction of payment of required review fees.

Section B - County Documents

3. _____ **Two copies** of a completed Land Use Application Questionnaire.
Only two copies of the application are required for the initial filing of this application. Revisions may or may not be required. When Application Intake Center staff determines that the application is complete, you will be required to submit additional copies of the application. The specific number of copies to be submitted will be determined at that time.
4. _____ **One copy** of a completed Hazardous Waste Site Certification form contained in this packet.
5. _____ **One completed** Financial Responsible Party Information form.

Section C – Other Documents

6. _____ **Two copies** of a plot plan drawn at a scale to accurately delineate the proposed project as it is to be constructed. A conceptual plan is not acceptable. (Folded accordion style - 8" x 10 1/2" size.) (Refer to the Plot Plan Checklist for specific requirements.)
Only two copies of the plot plan are required for the initial filing of this application. Revisions may or may not be required. When Application Intake Center staff determines that the plan is complete, you will be required to submit additional copies of the plot plan. The specific number of copies to be submitted will be determined at that time.
7. _____ **One copy** of the plot plan reduced to 11" X 17".

8. _____ **One copy** of the recorded Grant Deed or Quit Claim Deed with the previous Grant Deed for each lot or parcel. *If either the Grantor or Grantee is a Corporation, Partnership, or Fictitious Firm, one certified copy each of the Articles of Incorporation including the latest statement of officers, the Partnership Papers (limited or general), or the recorded Fictitious Business Name Statement naming the owner(s) of the firm or a current Preliminary Title Report.*
9. _____ **One copy** of the appropriate Assessor's map. This may be obtained from the Assessor's Office.
10. _____ **One copy** of the survey map, if the property has been surveyed by a Licensed Land Surveyor of Civil Engineer.
11. _____ **One copy** (photo, plans, etc) of other uses, if any, in the surrounding area that have been developed in a manner similar to that proposed by this application.

Section D – Plot Plan Use the following checklist to be sure that your plans include all of the required elements. The plot plan is a drawing, to scale, on one sheet of paper (minimum size of 18" x 24") of the entire land parcel showing buildings, improvements, other physical features and all dimensions. Remember that the staff and Planning Commission are not familiar with the property and will need this information to evaluate your project. **If the plans are not legible or do not contain the information listed below, your application will be returned.**

1. _____ **Official Stamp Area and Plan Identification:** A 4 inch by 14 inch area in the upper right hand side of the plot plan shall be left blank and labeled "Official Use Only". *The lower right hand corner of the plan shall contain the following information in this order: a) Assessor's Parcel Number(s) (APN:); b) application type and proposed land use/building size "Major Variance for _____" c) the names, addresses and telephone numbers of the applicant, representative, recorded Property Owner(s) (if different from applicant), and plan preparer and d) plot plan preparation date and any revision date(s).*
2. _____ **Utilities:** Indicate names, address and telephone numbers of – water company – sewage disposal – electric – gas – telephone. If no utility company, indicate method of supply.
3. _____ **Legal Description:** Complete legal description of the property including number of acres. Include APN. If a portion of a large parcel is being developed, include a detailed description of that portion.
4. _____ **North Arrow:** Indicate north (pointing to top or left hand side of the plan), date of drawing and the scale. Use an Engineer's Scale (1" to 10', 1" to 20', etc.)
5. _____ **Dimensions:** Show all property lines and dimensions. Also, show boundary lines of project with dimensions if only a portion of the property is being developed. *Property lines shall be shown as a solid, distinctive line. Entire property must be shown.*
6. _____ **Roads/Easements:** Indicate location, names, centerline, widths of boundary streets, and recorded road, utility, and drainage easements on the property. If none exist, indicate by a note that no easements exist. If property is not on a road or easement, show access to property.
7. _____ **Drainage:** Indicate any drainage or hilly terrain by flow-line arrows and contour lines.
8. _____ **Grading/Topographic Information:**
 - _____ Show existing contours and proposed finish contours.
 - _____ Show finish elevations at lot corners and graded areas. Show typical lot drainage and swales.
 - _____ Show finish grades for all structures, pads and parking surfaces.
 - _____ If no grading is proposed, state "No grading proposed."
 - _____ Show location, size and height of any existing or proposed walls.
9. _____ **Land Use District:** Indicate existing and proposed General Plan Land Use District (zoning) for project and all adjacent property including across any streets. If adjacent property is within a City, list the City and City Zoning.
10. _____ **Structures/Land Use (Adjacent Areas):** Indicate the existing land use, including "Vacant" or "citrus grove," of structures on all adjacent property including areas across any adjacent streets. Indicate distance to any structure that is within 20 feet of the project property line.
11. _____ **Structures (Project Area):** Indicate with dimensions all existing and proposed structures, including but not limited to power poles, towers, fences, trash enclosures, signs, septic systems, curbs, driveways, and sidewalks: Indicate type of constructions and approximate age of any existing/proposed structures
 - _____ Locate by distance in relation to other structures and property lines.
 - _____ Indicate existing structures that are to remain or to be removed.
 - _____ Indicate height, building footprint dimensions, including eave overhang projections, square footage of each story and number of stories including basements.
 - _____ Show location and height of any non-retaining wall.
12. _____ **Vicinity Map:** Indicate project location within a general vicinity map with a north arrow. Indicate nearest cross streets, major access roads and community name.

13. _____ Signage: If none proposed state "No signs proposed" Provide a dimensioned side elevation of any proposed identification sign including the proposed "copy" (wording). Include distance from both top and bottom of sign to grade. Refer to Development Code for information on allowable type and size of signs.
14. _____ Parking: Show all parking areas in details with dimensions and indication of surfacing materials. Refer to the County Development Code for details.
15. _____ Lot Coverage: Show percentages of parcel covered by buildings, paving, landscaping, and open space.
16. _____ Plant and Tree Protection: If no protected or endangered trees exist on the site state "No Protected Plants", otherwise show the location, size, and type of all native trees, including unbranched cacti, yuccas, palms and joshuas, and indicate whether any of the following trees are to be removed:
 - Valley or Mountain Areas – Six inches or greater in diameter or 19 inches in circumference measured at 4.5 feet above average ground level of the base.
 - Desert Areas – Two (2) inches or greater in diameter or six (6) feet or greater in height for smoketrees and mesquites. All Joshua trees and all species of century plants, nolinias and yuccas. Creosote rings that are 10 feet or greater in diameter. All plants protected by the State Desert Native Plants Act shall be protected in accordance with that ordinance.
17. _____ Landscaping: Show areas to be landscaped.
18. _____ Commercial, Industrial, or Institutional Projects: Show uses of all buildings and structures with number of occupants, hours of operation, etc.
19. _____ If truck activity is involved in the project, show the turn maneuvers for the driveways relative to the street.

This Page Left Intentionally Blank

LAND USE APPLICATION QUESTIONNAIRE

Complete all sections of this application. Please refer to the checklist contained in the information packet for complete information on submittal requirements. The information furnished in this application will be used in evaluating your project pursuant to the California Environmental Quality Act (CEQA). If you believe an item does not apply to your project, mark it "N/A". Do not leave any blank spaces. If you have any questions about items requested on this form, please call the Application Intake Center at (909) 387-8311. **Please use no more than four lines to answer any question. If more space is needed, use Attachment A on page 5 of this application questionnaire.**

APPLICATION TYPE: _____ **T.T.P.M.#:** _____

[Take "type" from the top of the cover sheet, i.e. "Conditional Use Permit," "Tentative Tract," etc. (if a tentative map is involved include the map number)]

All Assessor's Parcel Numbers (APNs): _____

Section 1 - Applicant Data

Applicant Name: _____

Firm Name: _____

Address: _____

City: _____ Zip: _____

Phone: _____ FAX No.: _____ E-Mail: _____

Section 2 – Property Owner Data (If same as above check ☐)

Property owner(s) of record: _____

Firm Name: _____

Address: _____

City: _____ Zip: _____

Phone: _____ FAX No.: _____ E-Mail: _____

Section 3 – Representative Data (If same as above check ☐)

Representative's Name: _____

Firm Name: _____

Address: _____

City: _____ Zip: _____

Phone: _____ FAX No.: _____ E-Mail: _____

Section 4 – Architecture/Engineering Representative Data (If same as above check ☐)

Representative's Name: _____

Firm Name: _____

Address: _____

City: _____ Zip: _____

Phone: _____ FAX No.: _____ E-Mail: _____

To be completed by County Staff: Filing Date: _____ Project No.: _____ JCS Project No.: _____

Section 5 – Project Description and Location/Legal Data

Briefly describe the project and use:

Land Use District: _____

Overlay Districts: _____

Legal Description: Township: _____ Range: _____ Section: _____

USGS Quad Name: _____

Location: Community: _____ Nearest cross street: _____

Street name: _____ Side of street: _____

Site Size (Gross acres or square footage): _____ Number of lots: _____

Site Address: _____

Proposed Development Area: _____

Size of Proposed Buildings: _____

Previously approved land use applications for this site: _____

Are you filing other land use applications for this site at this time? Yes ☐ No ☐

If yes, please list other application types _____

UTILITIES:

Water: _____
(Name of Provider)

Is the site presently served? Yes ☐ No ☐

If an extension is necessary, how long will it be? _____

Are any existing or proposed wells within 200 feet from any existing or proposed liquid waste disposal system?

Yes ☐ No ☐ If yes, attach an explanation

If this is a Tentative Map application, how many service connections have already been made to the existing water system? _____

Sewage Disposal: Septic? Yes ☐ No ☐

Sewer : _____
(Name of Provider)

Is the site presently served? Yes ☐ No ☐

If an extension is necessary, how long will it be? _____

If septic system/leach lines are proposed or existing, attach information showing proposed or existing location and how the size of the sewage disposal area was determined

Gas: _____
(Name of Provider)

Is the site presently served? Yes ☐ No ☐

If an extension is necessary, how long will it be? _____

Electricity: _____
(Name of Provider)

Is the site presently served? Yes ☐ No ☐

If an extension is necessary, how long will it be? _____

Phone: _____
(Name of Provider)

Is the site presently served? Yes ☐ No ☐

If an extension is necessary, how long will it be? _____

Cable TV: _____
(Name of Provider)

Is the site presently served? Yes ☐ No ☐

If an extension is necessary, how long will it be? _____

Section 6 - Environmental Setting

Be sure to answer all of the questions. This information is necessary to evaluate the project under the California Environmental Quality Act (CEQA). You must provide additional information for any answers marked "yes" or "uncertain" in a letter of explanation attached to this application.

1. When do you anticipate starting construction? _____

2. Will grading be required? Yes ☐ No ☐

If so, how many cubic yards will be cut? _____ How many cubic yards will be filled? _____

3. Is the project phased? Yes ☐ No ☐

If yes, describe the phasing: _____

4. If residential, indicate the number of units or lots. _____

5. If commercial, provide information describing the type of commercial activity proposed, along with square footage of sales area, trash enclosures, loading facilities and hours of operation.

6. If industrial, attach information indicating type of industrial activity proposed, square footage of building, estimated employment per shift, trash enclosures, loading facilities and hours of operation.

7. If institutional, attach information indicating major function, estimated employment per shift, estimated occupancy, trash enclosures, loading facilities and hours of operation.

8. Will the use require truck activity? Yes ☐ No ☐

If yes, give truck type(s) and number of axles : _____

What is the gross weight of each vehicle: _____

Number of truck trips per day _____

YES **NO** **UNCERTAIN**

9. Will the project change scenic views or vistas from existing residential areas, public lands or roads?

☐ ☐ ☐

10. Will there be a change in dust, ash, smoke, fumes or odors in the vicinity of the project?

☐ ☐ ☐

11. Has the site been surveyed for historical, paleontological or archaeological resources?

☐ ☐ ☐

12. Is the site on filled land or on slope of 10 percent or more?

☐ ☐ ☐

13. Will there be the use or disposal of potentially hazardous materials, such as toxic substances, flammables, or explosives?

☐ ☐ ☐

14. Will there be a change in lake, stream, or ground water quality or quantity, or alteration of existing drainage patterns?

☐ ☐ ☐

15. Will there be any substantial change in existing noise or vibration levels in the vicinity?

☐ ☐ ☐

16. Will there be a substantial change in demand for public services (police, fire, water, sewage, etc.)?

☐ ☐ ☐

17. Has a traffic study been prepared for this site or has the site been included in another traffic study?

☐ ☐ ☐

18. Will the project generate significant amounts of solid waste or litter?

☐ ☐ ☐

19. Will the project change any existing features of hills or make substantial alteration of ground contours?

☐ ☐ ☐

20. Will there be a substantially increase in fossil fuel consumption (electricity, oil, natural gas, etc.)?

☐ ☐ ☐

21. Is there a relationship to a larger project or series of projects?

☐ ☐ ☐

22. List any previous environmental documents or technical studies prepared for this site:

23. Describe the project site, as it exists before project implementation, including information on topography, soil stability, plants and animals, and any cultural, historical, or scenic aspects. On an attachment describe any existing structures on the site, and the use of the structures.

24. On an attachment, describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type of land use (residential, commercials, etc.), intensity of land use (single family dwelling(s), apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity.

25. Please provide your rationale of how the specific findings listed below can be made.

a. The granting of such variance will not be materially detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy systems.

b. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply to other properties in the same district or vicinity.

c. The strict application of the land use district deprives such property of privileges enjoyed by other properties in the vicinity or in the same land use district.

d. The granting of the variance is compatible with the objectives, policies, general land uses and programs specified in the County General Plan and any applicable plan.

Attachment A

(Please use this form to amplify any answer. Be sure to identify which question is being amplified.)

APPLICATION CERTIFICATE

ALL OWNERS OF RECORD MUST SIGN THIS CERTIFICATE: (Attach it to the application)

List Assessor's Parcel Number(s) of the project property:

List Assessor's Parcel Number(s) of all property contiguous to the project property, which is owned or beneficially controlled by the individual(s) signing this Certificate: If there are no contiguous properties under the same ownership, STATE "NONE"—***do not leave blank.***

The undersigned owner(s) or officer(s) in the organization owning the lands for which this application is made, states that he/she or the organization is aware that the application is being filed with the San Bernardino County Planning Division, and certifies under penalty of perjury that the County applications forms have not been altered and that the information contained in this application is true and correct. I (We) acknowledge that additional materials may be necessary to provide to the Planning Division once the preliminary review of the specifics of the project has been initiated.

I (We) further agree that if any information contained in this application proves to be false or incorrect, the County of San Bernardino and any special purpose or taxing district affected thereby are and shall be released from any liability incurred if a certificate of compliance is or has been issued on basis of this application. I understand that under such circumstances any such certificate shall be null and void and shall be returned to the County for cancellation.

If this is an actual cost application, the applicant agrees to pay all accumulated charges for this project. For any type of application, the applicant also agrees to defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action or proceeding attacking or seeking to set aside, void or annul the approval of all or part of the matters applied for, or any other claim, action or proceeding relating to or arising out of such approval. This requirement includes the obligation to reimburse the County, its agents, officers and employees for any court costs or attorney fees which the County, its agents, officers or employees are required by a court to pay as a result of such claim, action or proceeding. The County agrees to notify the applicant of any such claim, action or proceeding promptly after the County becomes aware of it. The County agrees to cooperate in the defense provided by the applicant. The County may, at its own expense, participate in the defense of the claim, action or proceeding, but such participation will not relieve the applicant of applicant's defense and indemnification obligations.

Any persons signing with Power of Attorney for others must print the names of those individuals in the signature block and attach a notarized copy of the Power of attorney.

(Print) (APPLICANT OR LEGAL AGENT)

Signature

Date

REGISTRATION NO.
(IF R.C.E. OR LICENSED LAND SURVEYOR)

(Print) (OWNER(S) OF RECORD)*

Signature

Date

(Print) (OWNER(S) OF RECORD)*

Signature

Date

(Print) (OWNER(S) OF RECORD)*

Signature

Date

*If property is owned by corporation, partnership or other group signee should indicate corporate position or title and submit substantiating documentation.

HAZARDOUS WASTE SITE CERTIFICATION

This certificate must be submitted with all Development Case Applications except for legislative acts such as General Plan Land Use District changes.

INSTRUCTIONS

The applicant for this development project shall consult the most current list of identified hazardous waste sites at <http://www.calepa.ca.gov/SiteCleanup/CorteseList/default.htm> to determine whether the development project is located on a site included on the list.

CERTIFICATION

The undersigned owner, applicant or legal representative of the lands for which this development project application is made, hereby certifies under penalty of perjury, and in accordance with Section 65962.5(e) of the Government Code of the State of California that he (she) has consulted the most current and appropriate list of "CAL/EPA, Facility Inventory Data Base, Hazardous Waste and Substances Sites List," and further certifies that the site of the proposed development project:

☐ Is not located on a site which is included on the Cortese List dated: _____

OR

☐ Is located on a site included on the Cortese List dated: _____.

List all of the Assessor Parcel Numbers (APNs) of the project property:

Printed Name of Person Certifying this Review

Signature of Person Certifying this Review

Date

FINANCIALLY RESPONSIBLE PARTY INFORMATION

Please print your responses.

The Financially Responsible Party is the individual or legal entity that will sign the Financially Responsible Party Agreement (attached), which agreement establishes the entity that: is responsible for all permit processing costs associated with the project application; will receive project accounting during the application processing; is responsible for paying for consultants necessary to complete the processing of the project application; is deemed the owner of funds held in the project trust fund; and indemnifies the County for legal challenges to project approval.

Have you ever had a Trust Account with San Bernardino County Land Use Services? ☐ Yes ☐ No

If yes, what name was used? _____

Financially Responsible Party Name: _____

The Financially Responsible Party is a (choose one): ☐ Company/Organization ☐ Individual

If Company/Organization, type, i.e. corporation, LLC, partnership: _____

Are you registered with the California Secretary of State? ☐ Yes ☐ No

If yes, what is your entity number? _____

If Company/Organization, Contact Name: _____

Mailing Address: _____

City State Zip

Home/Business Phone: _____ Cell Phone: _____

Email: _____

What is your preferred method for receiving invoices: ☐ Email ☐ U.S. Mail

If you are not the Financially Responsible Party, do you have notarized authorization to encumber the Financially Responsible party? ☐ Yes ☐ No (Please attach a copy of the authorization.)

----- For Office Use Only -----

Project Number: _____ Type of Application: _____

Received By: _____ Date: _____

Entered By: _____ Date: _____

FINANCIALLY RESPONSIBLE PARTY AGREEMENT

This Agreement is entered for the benefit of San Bernardino County by and through the San Bernardino County Land Use Services Department (LUSD) by

_____(Financially Responsible Party) in reference to LUSD application processing costs associated with a Project. [If the Financially Responsible Party is a legal entity (e.g. corporation or partnership), the representative must supply notarized authorization that he/she is approved to financially encumber that legal entity.]

1. The Financially Responsible Party will pay the security deposit required at the time of Project submittal in an amount established by the County Code or by LUSD policy; will pay monthly invoices within twenty-five (25) days from invoice date, subject to LUSD stopping work until payment is received; and agrees to be responsible for payment of all permit processing costs associated with the Project application.
2. If it is deemed necessary by LUSD to utilize consultant services, the Financially Responsible Party will pay a deposit to cover consultant costs prior to execution of the contract with the consultant, with charges against the contract with the consultant to be billed on an hourly basis against the deposit.
3. Financially Responsible Party agrees that all funds deposited in the Project Trust Account will be held by the County in an account under the name of Financially Responsible Party, and that the Financially Responsible Party shall be considered the owner of all funds in said account.
4. Financially Responsible Party agrees that the LUSD is not required to issue any clearances or permits without receipt of full payment of fees, unless waived by the Board of Supervisors, by Board Action.
5. Financially Responsible Party agrees that if there is an outstanding amount on any other LUSD application for which the Financially Responsible Party is the applicant, the depositor, of the Financially Responsible Party, subsequent applications will not be accepted until such amounts are paid.
6. Financially Responsible Party agrees that LUSD may refund any funds remaining in the project trust account at the completion of work to the Financially Responsible Party.
7. The Financially Responsible Party agrees that the person or entity designated as the Financially Responsible Party maintains that designation until the project is completed and all legal challenges to the County's approval have been resolved, or the County is notified, and accepts, a Change of Financial Responsibility form (available on the San Bernardino County LUSD website).
8. Indemnification. In compliance with Development Code §81.01.070, the Financially Responsible Party agrees, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action

relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

The Financially Responsible Party shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

Although the County may, at its sole discretion, participate at its own expense in the defense of any such action, such participation shall not relieve the Financially Responsible Party of their obligations under this condition to reimburse the County or its indemnitees for all such expenses.

This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The Financially Responsible Party's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

The Financially Responsible Party agrees that its indemnification obligations under this agreement remain in effect even though a court may order the County to set aside its approvals of the project.

9. In the event of a transfer of project or property, the Financially Responsible Party shall notify the County within two (2) working days, in writing and by telephone as follows:

Land Use Services Department
Attn: Administrative Manager
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0187
(909) 387-4000

Executed on the _____ day of _____, 20_____

Financially Responsible Party (Please print and sign)